



APPLICATION ACCEPTED: April 28, 2014
BOARD OF ZONING APPEALS: August 6, 2014
TIME: 9:00 a.m.

County of Fairfax, Virginia

July 30, 2014

STAFF REPORT

SPECIAL PERMIT NO. SP 2014-LE-053

LEE DISTRICT

APPLICANT: Juana Gudelia Bernardez
d/b/a Gude's Home Child Care LLC

OWNERS: Juana G. Bernardez
Jimmy A. Bernardez

SUBDIVISION: Burgundy Village

STREET ADDRESS: 3502 Elmwood Drive, Alexandria, 22303

TAX MAP REFERENCE: 82-2 ((13)) 71

LOT SIZE: 7,200 square feet

ZONING DISTRICT: R-4

ZONING ORDINANCE PROVISIONS: 8-305

SPECIAL PERMIT PROPOSAL: To permit a home child care facility.

STAFF RECOMMENDATION: Staff recommends approval of SP 2014-LE-053 for the home child care facility with adoption of the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

A copy of the BZA's Resolution setting forth this decision will be mailed within five days after the decision becomes final.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

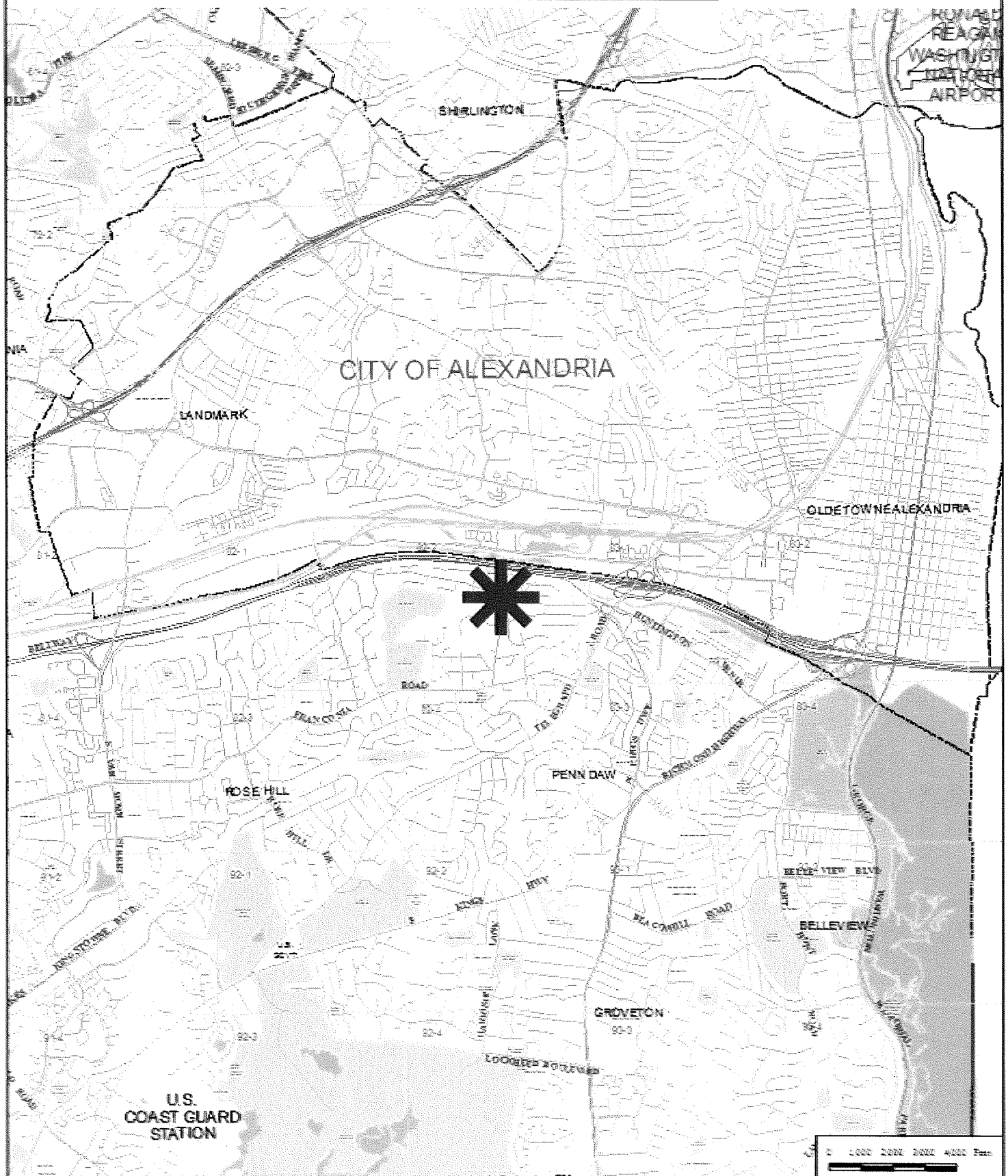


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit

SP 2014-LE-053

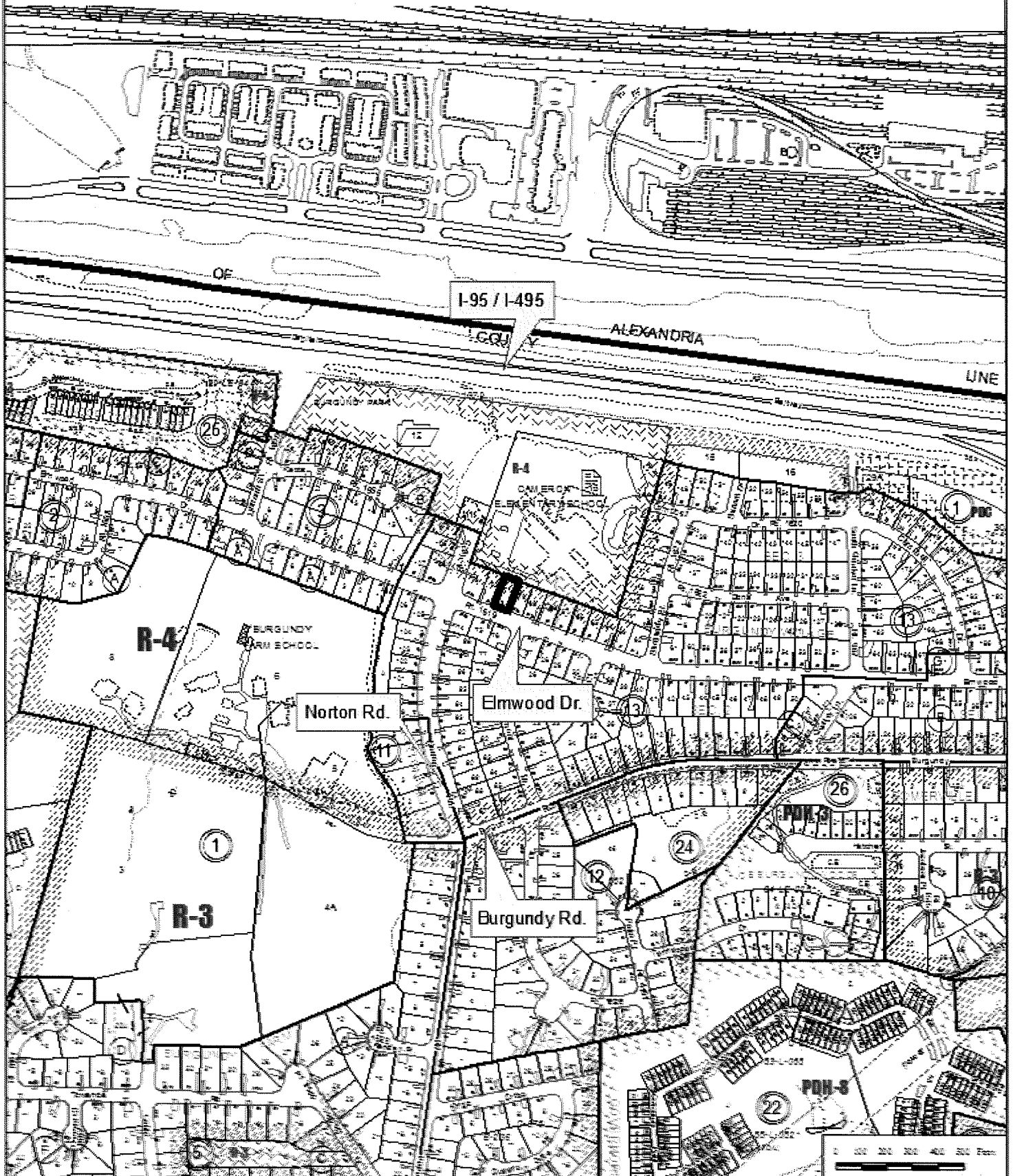
JUANAGUDELLABERNARDEZ DBA "GUDE'S
HOME CHILD CARE LLC"



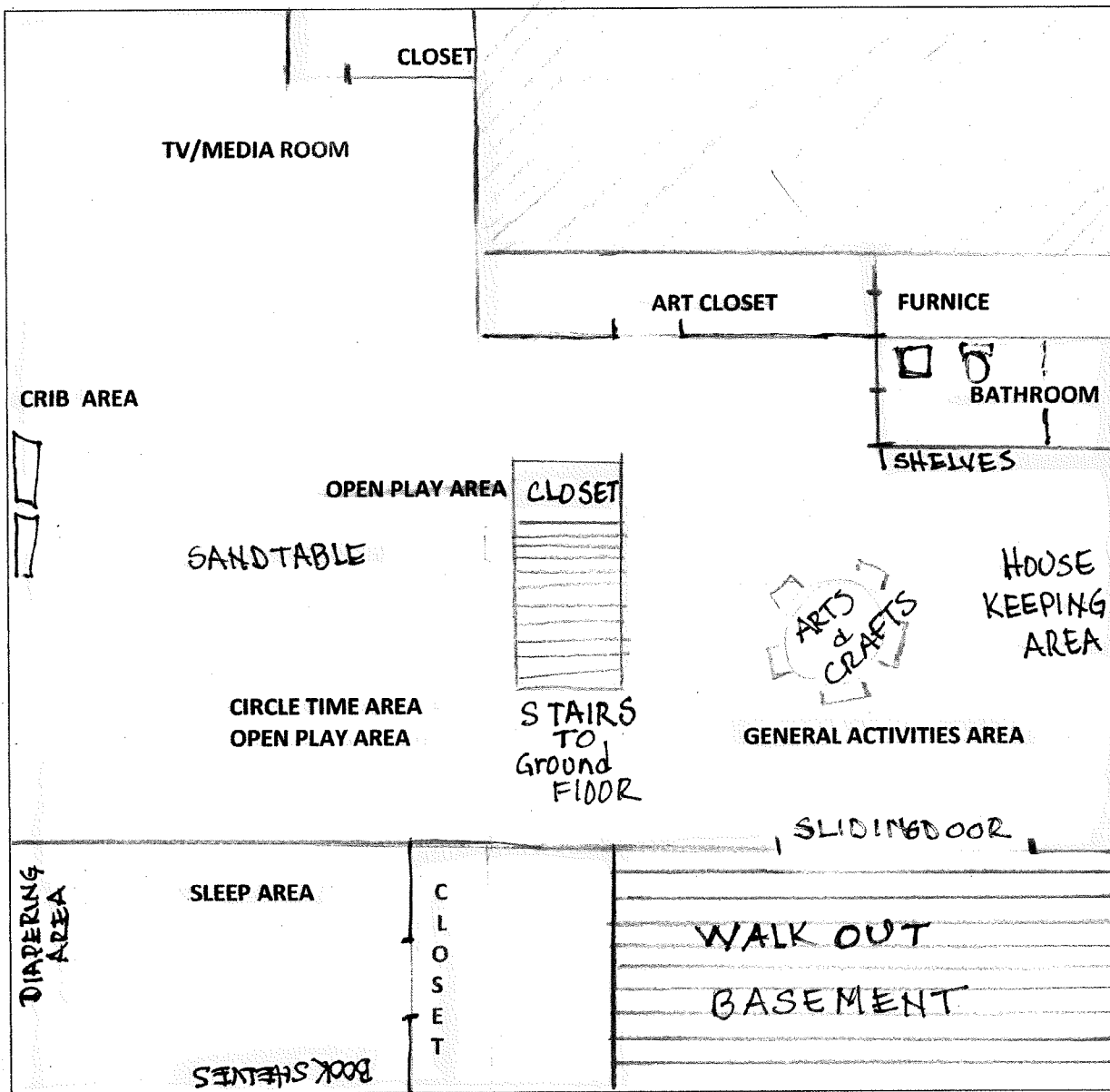
Special Permit

SP 2014-LE-053

JUANA GUDELLA BERNARDEZ DBA "GUDE'S
HOME CHILD CARE LLC"

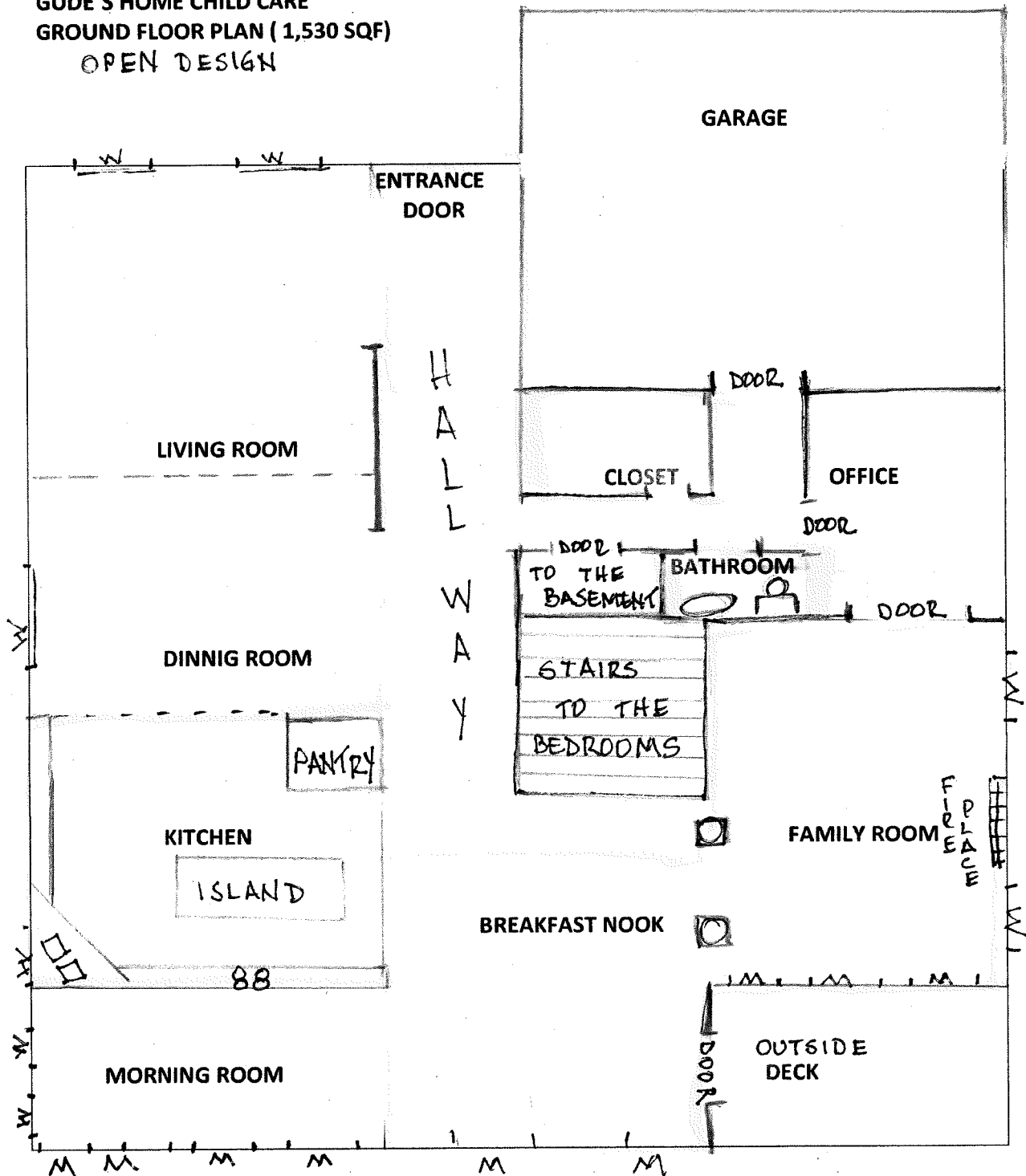


GUDE'S HOME CHILD CARE
BASEMENT (1,500 SQF) FLOOR PLAN OPEN DESIGN



OUTSIDE
PATIO

GUDE'S HOME CHILD CARE
GROUND FLOOR PLAN (1,530 SQF)
OPEN DESIGN



RECEIVED
 Department of Planning & Zoning
 JAN 24 2014
 Zoning Evaluation Division

Front of the house from the
neighbor across the street



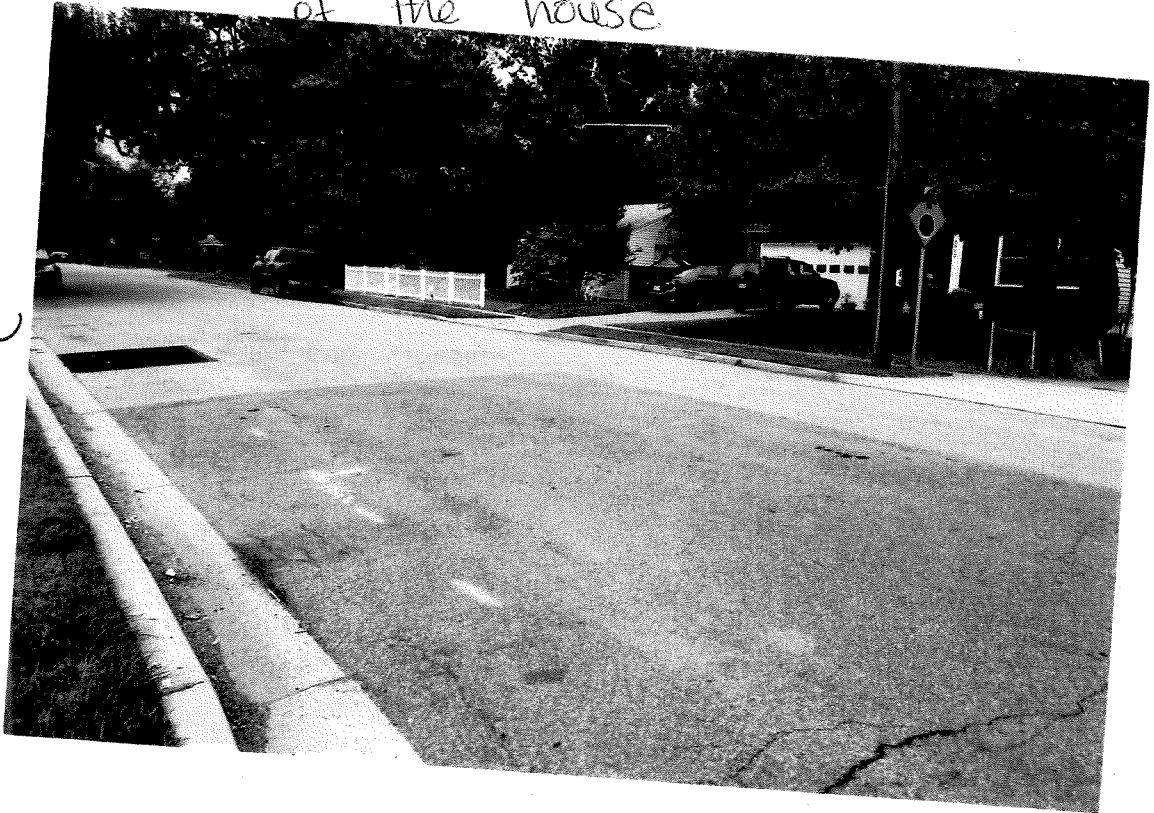
Picture # 1



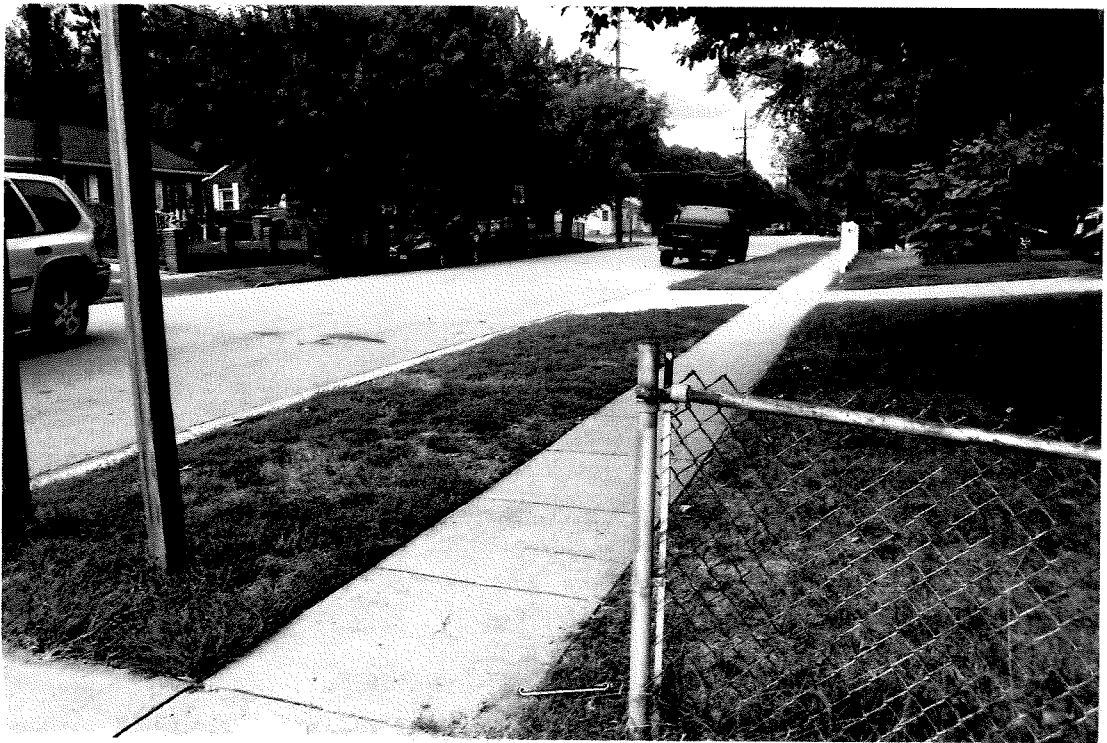
Neighbor house across the
street.

street on the right hand side coming out
of the house

#2

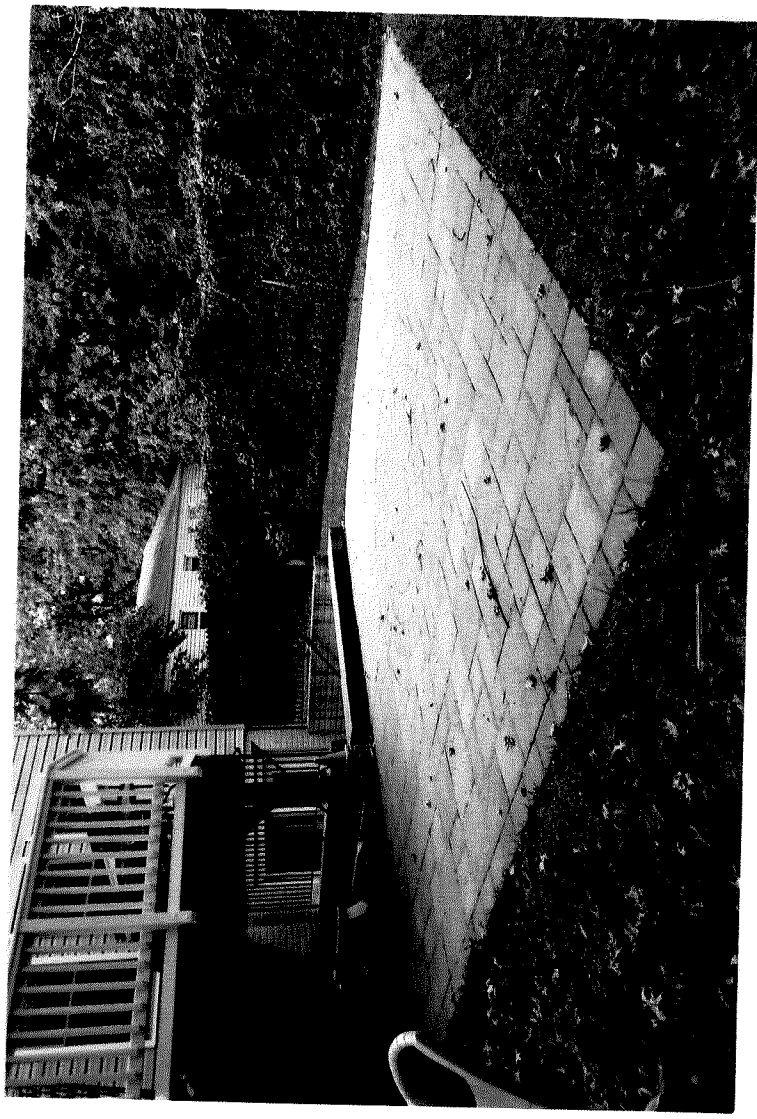


#3



Right hand side

Patio and deck use for outdoor activities
such as painting, water play, exercise.



Patio and deck use for outdoor activities
such as painting, water play, exercise.



Deck



Deck use for lunch & snacks weather permitted

Neighbor across the street
from Front of the House

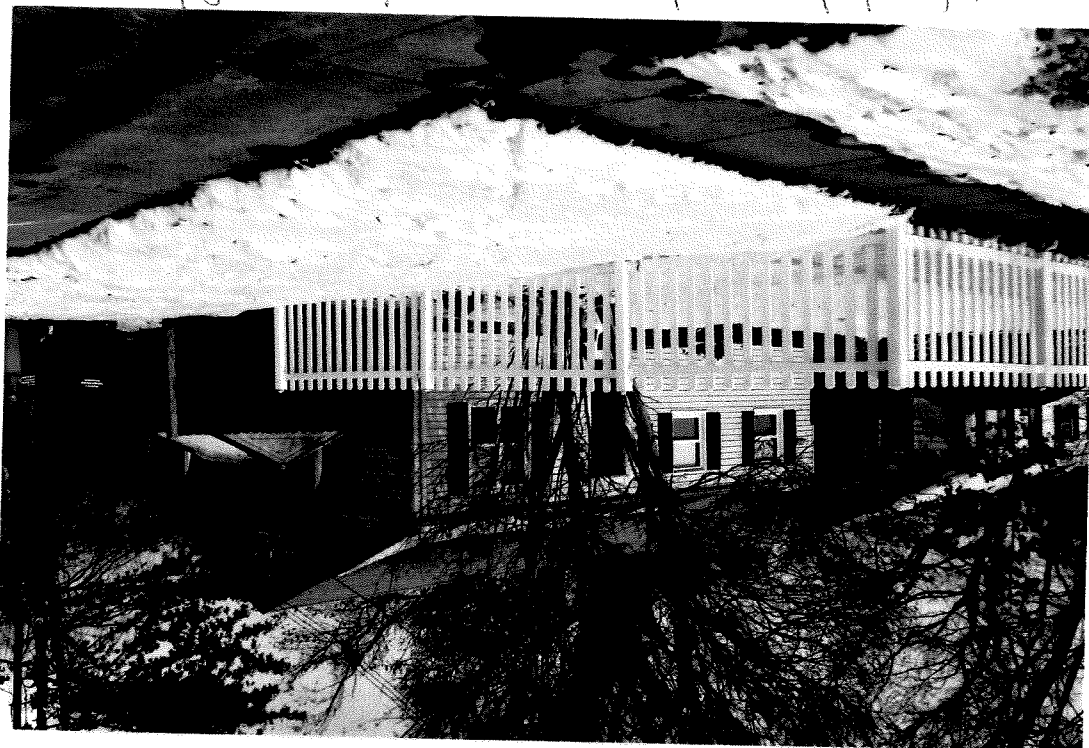


4



street on the left hand side - coming
out from the house

Neighbor house on the left.



Neighbor house on the right

Outdoor Play Area

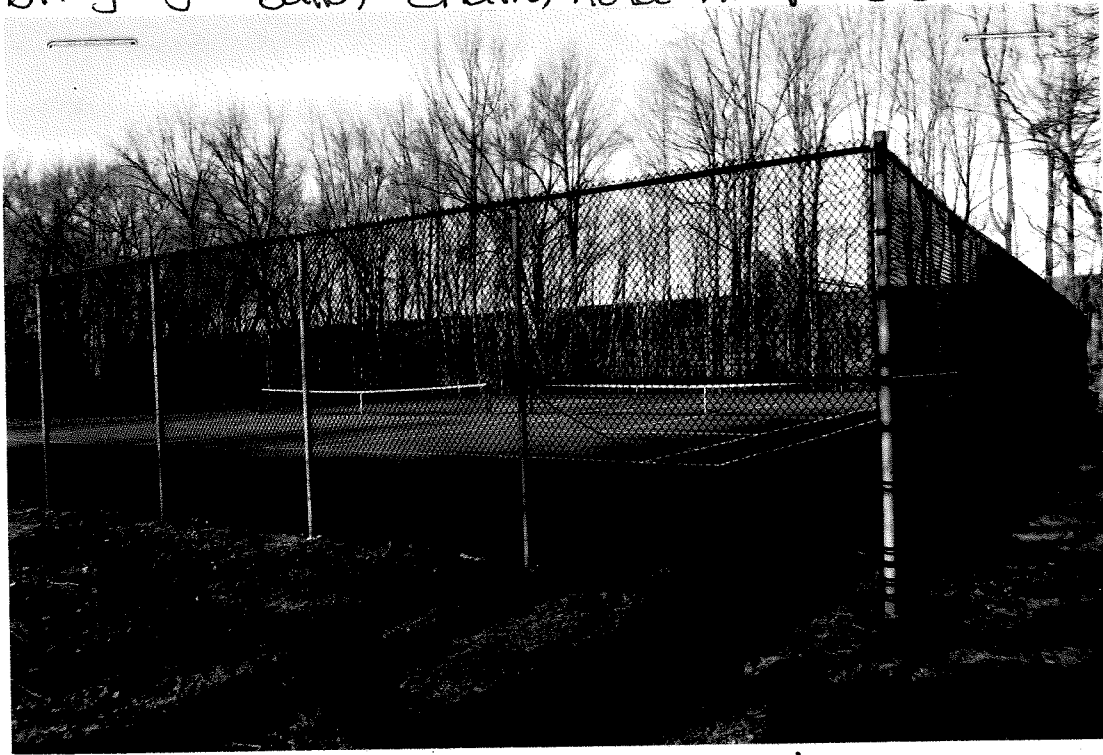


Fenced Playground 5yrs- and under



Fenced Basketball court we use it for bikes, hula-hoops, balls, ribbons, etc.

Outdoor Play Area
We use it with children especially Toddlers
bringing balls, chalk, hula-hoops etc.



Fenced Tennis Court



Play ground for children 5yrs.
and up

Outdoor Play Area
Community Park with large open areas
We use for...



daily walking trips, Nature walks, art activities,



pick-nicks, and more fine and gross
motor activities.

outdoor Play Area
use for School Age children



walks around the neighborhood

Outdoor Play Area
Soccer field, use for running, fly kites,
Kick balls, games, etc.



The School Parking Lot is located
behind my house. The parents park
here to pick up their children from the
park after school.

Breakfast nook use for meals



Breakfast nook use for meals
and cooking activities

House Entrance use for
Drop-off & pick up



Family Room, for toddlers,
infants.

General activities - math, writing



Circle time activities, Calendar, language arts, reading, and more.

Circle time area



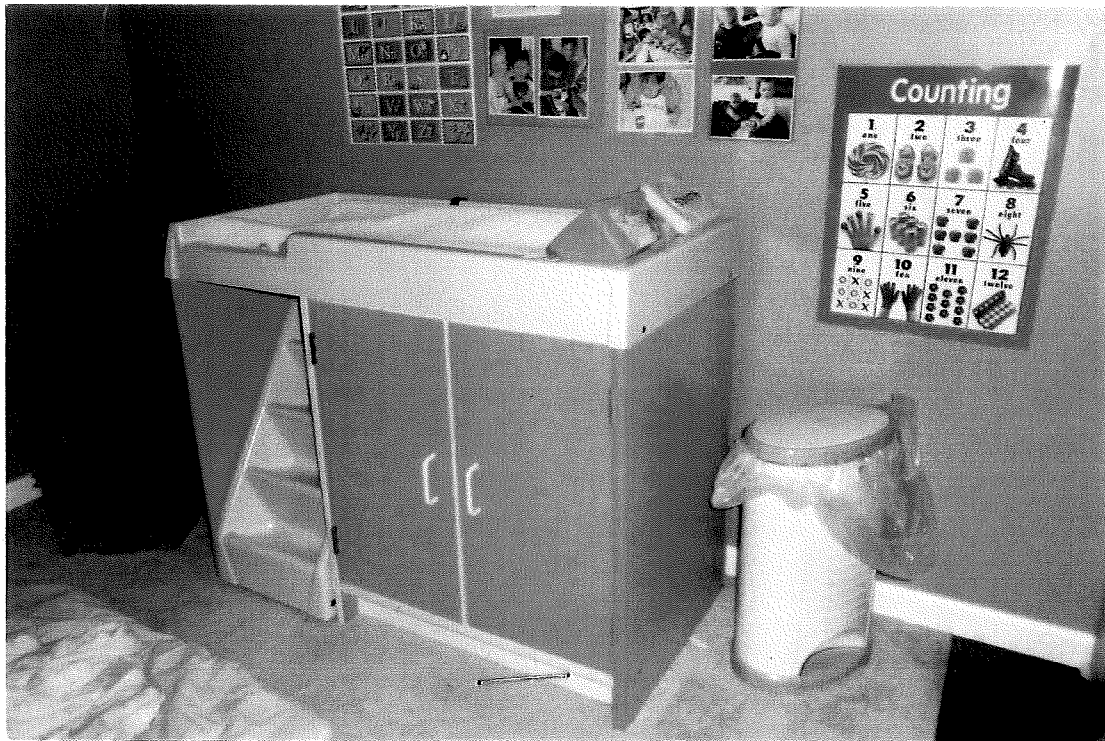
Free play area

Language Art area



Resting Area + Ping-Pong
table use on Fridays as
well as movie time on
Fridays.

Sleeping area



Diaper change area



Bathroom use
by the children
in the basement



March 20th, 2014



Crib Area: 17 ft long x 18 ft wide



(See attached plans for first floor,
second floor and basement)

FRONT VIEW OF THE HOUSE
3502 ELMWOOD DR. ALEX., VA. 22303

March 20/2014



House Dimensions: 5,033 SQF
Height of House: 27 ft

March 20th, 2014



Left side of the house



Right side of the house

March 20th, 2014



Back of the house. Deck area: 10' x 13.4', 8.5' tall



Back of the house, play area. Patio 16' x 19'
(See attached plan)

SPECIAL PERMIT REQUEST

The applicant is seeking a special permit to allow a home child care facility for up to 12 children.

A copy of the special permit plat titled, "Plat Showing Wall Check, Lot 71, Section 2, Burgundy Village," as prepared by Fitzroy J. Bertrand, L.S., and as revised by Juana G. Bernardez on January 6, 2014, is included in the front of the staff report.

A more detailed description of the proposal is provided on page two.

CHARACTER OF THE SITE AND SURROUNDING AREA

The site is developed with a two story single family detached dwelling with a basement. A stoop, walkway and concrete driveway are located to the south of the dwelling. A deck and at-grade patio are located to the north of the dwelling in the rear yard. A pond, installed by the applicant, is located in the northeast corner of the rear yard. A 6 foot high wood fence extends along the side and rear lot lines. The basement has a walk-out entrance at the rear of the dwelling. The property is relatively flat and contains decorative landscaping. An area in the rear yard is marked as a pond, but is more accurately characterized as a decorative water feature with a fountain.

The property is south of I-95 and Cameron Elementary School and northeast of Burgundy Farm School. The subject property and surrounding properties are zoned R-4. Properties to the west, east, and south are developed with single family detached dwellings and the property to the north is Cameron Elementary School.



BACKGROUND

Fairfax County Tax Records indicate that the property was purchased by the applicant in 1999. The single family dwelling was constructed in 2007.

Records indicate that no other special permit or variance applications relating to a home child care have been heard by the Board of Zoning Appeals (BZA) in the surrounding area.

DESCRIPTION OF THE PROPOSED USE

The applicant is requesting approval of a special permit for a home child care facility for up to 12 children on-site at any one time between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday. The children arrive between 7:00 a.m. and 9:00 a.m. and depart between 4:00 p.m. and 6:00 p.m. Parents use the driveway of the dwelling for pick-up and drop-off of the children. There is one full-time assistant and one part-time assistant.

The applicant holds a current Family Day Home License, valid through March 2, 2016, from the Commonwealth of Virginia, Department of Social Services. The license permits a capacity of 12 children, birth through 12 years 11 months in age (Appendix 4).

The home child care facility is operated in the first floor and the basement of the dwelling. The basement facility includes one large main child care room and a bathroom. A child care arrival area is located on the first floor as shown on the layout at the beginning of the staff report. The cooking facility used for the home child care is the primary kitchen of the dwelling and is located on the first floor. Aside from the deck, the applicant does not routinely use her rear yard for a play area for the children. The property is adjacent to park facilities and fenced playground areas that the applicant utilizes for outdoor playtime. However, the rear yard can be used if off-site recreation facilities are not available.

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area IV, Rose Hill Planning District
Planning Sector: Burgundy Community Planning Sector (RH-03)
Plan Map: Residential, 3-4 du/ac

Zoning Ordinance Requirements

- Sect. 8-006 General Special Permit Standards
- Sect. 8-303 All Group 3 Uses
- Sect. 8-305 Additional Standards for Home Child Care Facilities
- Sect. 10-103, Par. 6, Limitations Home Child Care Facilities

This special permit is subject to the sections of the Zoning Ordinance outlined above, a copy of which is included as Appendix 7. Subject to development conditions, this special permit must meet these standards.

On-site Parking and Site Circulation

Vehicular access to the site is provided from Elmwood Drive. The parents and children use the walkway and use the front door to enter the home child care center area on the main floor.

The existing driveway appears to be able to accommodate four vehicles and the property has a two car garage. The applicant parks family vehicles in the garage during home child care operating hours. The applicant's assistants park off-site. Therefore, the driveway has adequate room to be used for drop-off and pick-up of children.

Two off street parking spaces are required for the single family dwelling and these are contained in the garage. Therefore, with inclusion of the development conditions in Appendix 1, staff believes sufficient parking exists to accommodate the pick-up and drop-off of children for the home child care use.

Zoning Inspection Analysis

During the inspection of the home child care staff found that the fence was in need of repair or replacement, but was not considered a health or safety issue. The applicant was advised to consider replacing the fence in the near future and attaching it to the dwelling to fully enclose the rear yard. The pond in the rear yard is akin to a decorative water feature and is not addressed in the Virginia Property Maintenance Code. The home child care facility is not routinely operated in the rear yard where the fence and pond are located. The list of comments from the site inspection is in Appendix 5.

CONCLUSION

Staff believes that the subject application is in conformance with the applicable Zoning Ordinance provisions with the adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

RECOMMENDATION

Staff recommends approval of SP 2014-LE-053 for the home child care facility with the adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Home Child Care State License
5. Zoning Inspection Branch Site Visit Comments
6. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2014-LE-053****July 30, 2014**

If it is the intent of the Board of Zoning Appeals to approve SP 2014-LE-053 located at Tax Map 82-2 ((13)) 71 to permit a home child care facility pursuant to Section 8-305 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant only, Juana Gudelia Bernardez, d/b/a Gude's Home Child Care LLC, and is not transferable without further action of the Board, and is for the location indicated on the application, 3502 Elmwood Drive, and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the special permit plat titled, "Plat Showing Wall Check, Lot 71, Section 2, Burgundy Village," as prepared by Fitzroy J. Bertrand, L.S., and as revised by Juana G. Bernardez on January 6, 2014, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit **SHALL BE POSTED IN A CONSPICUOUS PLACE ON THE PROPERTY** of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum hours of operation of the home child care facility shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. The maximum number of children on site at any one time shall be twelve, excluding the applicant's own children.
7. The maximum number of assistants for the home child care shall be two on site at any one time.
8. All pick-up and drop-off of children shall take place in the driveway.
9. There shall be no signage associated with the home child care facility.
10. All applicable permits and inspections shall be obtained prior to the establishment of the use, to be demonstrated to the satisfaction of the Zoning

Administration Division, including any electrical or plumbing inspections as may be required.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Application No.(s):

SP 2014-LE-053

(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

3/17/14

(enter date affidavit is notarized)

I, Juana Gudelia Bernardez, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one)

☒

applicant

☐

applicant's authorized agent listed in Par. 1(a) below

105303

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Juana Gudelia Bernardez	3502 Elmwood Dr. Alex., Va. 22303	Applicant/Title Owner
Gude's Home Child Care LLC	3502 Elmwood Dr. Alex., Va. 22303	Co-applicant
Jimmy Abel Bernardez	3502 Elmwood Dr. Alex., Va. 22303	Co-Title Owner

(check if applicable)

☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s):

SP 2014-LE-053

(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

3/17/14

(enter date affidavit is notarized)

125303

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

- Gude's Home Child Care LLC
3502 Elmwood Dr.
Alex., Va. 22303

DESCRIPTION OF CORPORATION: (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

Juana G. Bernardez - Manager and/or member

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s):

SP 2014-LE-053

(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

3/17/14

(enter date affidavit is notarized)

125303

- 1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s):

SP 2014-LE-053

(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

3/17/14

(enter date affidavit is notarized)

125303

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s):

SP 2014-LE-053
(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

3/17/14
(enter date affidavit is notarized)

125303

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

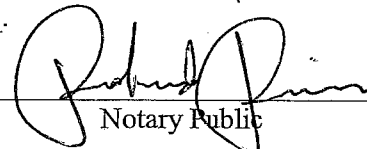
☒ Applicant

[] Applicant's Authorized Agent

Juana G Bernardez OWNER

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 17 day of March 2014, in the State/Comm. of Virginia, County/City of Fairfax.


Notary Public

My commission expires:

12/31/2017

RICHARD RIVERA
NOTARY PUBLIC 7559084
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES 12/31/2017

STATEMENT OF JUSTIFICATION
FOR A HOME CHILD CARE FACILITY

Juana G Bernardez
3502 Elmwood dr.
Alexandria Va. 22303
(703) 329-8658

Department of Planning & Zoning

JAN 24 2014

Zoning Evaluation Division

January 20, 2014
Fairfax County Department of Planning & Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

Re: Special Permit Application
Applicant: Juana G Bernardez
Zoning Ordinance Section 8-305 for Home Child Care Facility and
Section 8-004 of General Standards
Tax Map # 0822-13-0071
Zoning District: R-4
Lot Size: 7,200 (SQFT)

To whom it may concern,

Please accept the following as my statement of justification for a special permit for a Home Child Care Facility in my home. I own and live in a single-family detached dwelling at 3502 Elmwood Drive in Alexandria Virginia with my husband and children. The property is zoned R-4 and I understand I need to seek approval of a special permit in order to operate a child care facility within my home. I am currently licensed by the state of Virginia (licensed issue in 2010) to have 12 children in my child care facility at home. Below is my child care facility's operation:

Hours of operation: From 7:00 am to 6 pm, Monday through Friday. Closed on Federal Holidays.

Number of children: I care for up to 12 children at any one time and some of these children are siblings. This number does not include my own two young children.

Employees: I have one full time assistant, one part-time assistant.

Arrival schedule: 5 children arrive between 7:00 – 7:30 am (siblings); 4 more children arrive between 7:45 - 8:15 am (siblings); three more arrive between 8:45 – 9:00 am. Some of these children come part time or before school only. Five of these families live in the same community and walking distance, when the weather permits, the parents walk to drop and/or pick the children up.

Departure schedule: Four children are pick up between 4:00 and 4:45 pm; 4 more children between 5:00 - 5:30 pm; two more children at 5:30 - 5:45pm and the other two by 6:00 pm (see attachment 1).

Area served: I currently served families that live in the general vicinity and walking distance from my house for this is a very convenience for the parents to be able to drop their children on the way to work or coming back home and also to drop off or pick children up from Cameron Elementary School located behind my house.

Operations: As I stated, my house is a 5,033 (SQF) single-family detached dwelling. It has a 1,500 (SQF) walk-out basement, where I conduct all my child care activities and where the children spend most of the time. I use the kitchen and breakfast nook to prepare and serve meals as well as cooking activities with the children. I also use the family room for tummy time, gross motor activities and reading for babies all located in the 1,530 (SQF) ground floor (see attachment 2 for floor plan and interior photos).

Hazardous or Toxic Substances. The house and yard are free from hazardous and toxic substances. No hazardous materials will be generated, utilized, stored, treated and/or disposed of on site.

Zoning Ordinance Compliance. The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards or, if any waiver, exception or variance is sought, such request has been specifically noted with the justification for such modification .

Outdoor Play area. I have a back yard with a deck, patio and a small pond. I mostly use the community park facilities behind my house, a fenced playground for children under 5 years of age, a playground for children 5years and up, a fenced tennis court, school playground and football field. We also take walks around the neighborhood during the different seasons of the year. We also facilitate materials to help children in the different areas of development. For the different ages of children under my care, it is more convenient to use age appropriate equipment. (see attachment 3 with photos of the park facilities).

Parking. My driveway provides enough parking spaces for two cars because it is 30 feet long. In addition, ample parking is available along the street in front of my house for the parents and employees.

In conclusion, I am proposing no changes to the outside appearance of my house, I propose no additions and no signs regarding the day care. Adequate parking is available for my parents, employees and my family. I believe that my proposed home day care facility will not impact my neighbors in any negative way.

Sincerely,


Juana G Bernardez

Arrival and Departure Schedule

Arrival Schedule

Child	7:00 – 7:45 am	7:45 – 8:15am	8:30 – 9:00 am	
1	X			
2	X			
3	X			
4	X			
5	X			
6		X		
7		X		
8		X		
9		X		
10			X	
11			X	
12			X	

Departure Schedule

Child	4:00 – 4:45pm	5:00- 5:30pm	5:30 – 5:45pm	6:00 pm
1	X			
2	X			
3	X			
4	X			
5		X		
6		X		
7		X		
8		X		
9			X	
10			X	
11				X
12				X

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JAN 24 2014

Zoning Evaluation Division

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VIRGINIA DEPARTMENT OF
SOCIAL SERVICES**Juana Bernardez**

3502 Elmwood Drive

ALEXANDRIA, VA 22303

(703) 329-8658 ☎

Facility Type: Family Day HomeLicense Type: Two YearExpiration Date: March 2, 2016Business Hours: 7:00am - 6:00pm
Monday - Friday

Capacity: 12

Ages: Birth - 12 years 11 months

Inspector: Dolores Casseen
(703) 359-6734 ☎




County of Fairfax, Virginia

MEMORANDUM

Date: July 24, 2014

To: Erin Haley, Staff Coordinator
Zoning Evaluation Division
Fairfax County Department of Planning and Zoning

From: Bruce Miller 
Zoning/Property Maintenance Inspector
Zoning Inspection Branch

Subject: Home Child Care Facility, SP 2014-LE-053

Applicant: Juana Gudelia Bernandez
3502 Elmwood Drive
Burgundy Village Lot 71, Section 2
Tax Map Ref #: 82-2 ((13)) 71
Zoning District: R-4
Mail Log Assignment: 2014-LE-0218

*KEY: A "✓" mark in a box indicates that the item was deficient.
An unmarked box indicates that no violation was found.*

The following findings were made by Inspector Charles Cohenour during an inspection of the property on June 17, 2014:

- ☐ Rooms used for sleeping must provide two means of exit, one which leads directly to the outside, as required by the Virginia Uniform Statewide Building Code. (32-12-30.)
- ☐ An operable smoke alarm shall be provided outside of each sleeping area, with at least one such device on each floor.
- ☐ All exit stairs, interior or exterior, shall be in good repair and shall be provided with handrails and guard rails as required by the Virginia Uniform Statewide Building Code.

- ☐ All egress pathway and exit doors shall be unlocked in the direction of egress and free from obstructions that would prevent their use, including debris, storage, and accumulations of snow and ice.
- ☐ Electrical hazards identified shall be abated in accordance with the Virginia Uniform Statewide Building Code.
- ☐ Extension cords, temporary wiring, and flexible cords shall not be substituted for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings, or floors, or under doors or floor coverings, or be subject to environmental or physical damage.
- ☐ A working space of not less than 30 inches in width, 36 inches in depth, and 78 inches in height shall be provided in front of the electrical service equipment. Where the electrical service equipment is wider than 30 inches, the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space.

☒ Other Structures:

Comment: The fence is in need of repair or replacement.

☒ Structures comply with the Zoning Ordinance.

Comment: The applicant's basement floor plan indicates that a "pond" is located in the right rear section of the rear yard. This back yard water feature is more akin to a decorative water fountain and retaining basin with less than 24 inches of water. This type of water feature is not addressed in the Virginia Property Maintenance Code.

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-303 Standards for all Group 3 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 3 special permit uses shall satisfy the following standards:

1. Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans.

8-305**Additional Standards for Home Child Care Facilities**

1. The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed twelve (12), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use. Except as described above, home child care facilities shall also be subject to the use limitations of Par. 6 of Sect. 10-103.
2. The BZA shall review access to the site and all existing and/or proposed parking, including but not limited to the availability of on-street parking and/or alternative drop off and pick up areas located in proximity to the use, to determine if such parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time and such parking shall be in addition to the requirement for the dwelling unit.
3. The provisions of Article 13 shall not apply to home child care facilities, however, the BZA may require the provision of landscaping and screening based on the specifics of each application.
4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plan drawn to scale. The plan, which may be prepared by the applicant, shall contain the following information:
 - A. The dimensions, boundary lines and area of the lot or parcel.
 - B. The location, dimensions and height of any building, structure or addition, whether existing or proposed.
 - C. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.
 - D. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.
5. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

Sect. 10-103 Use Limitations

6. The following use limitations shall apply to home child care facilities:

- A. The maximum number of children permitted at any one time shall be as follows:
 - (1) Seven (7) when such facility is located in a single family detached dwelling.
 - (2) Five (5) when such facility is located in a single family attached, multiple family or mobile home dwelling.

The maximum number of children specified above shall not include the provider's own children.

- B. A home child care facility shall be operated by the licensed or permitted home child care provider within the dwelling that is the primary residence of such provider, and except for emergency situations, such provider shall be on the premises while the home child care facility is in operation. Notwithstanding the above, a substitute care provider may operate a home child care facility in the absence of the provider for a maximum of 240 hours per calendar year.
- C. There shall be no exterior evidence, including signs, that the property is used in any way other than as a dwelling, except that play equipment and other accessory uses and structures permitted by this Part shall be allowed.
- D. In addition to the persons who use the dwelling as their primary residence, one (1) nonresident person, whether paid or not for their services, may be involved in the home child care use on the property, provided that there is only one (1) such person on the property at any one time and the hours of such attendance shall be limited to 7:00 AM to 6:00 PM, Monday through Friday.
- E. Notwithstanding the provisions of Par. B above, a child care provider may care for the maximum number of children permitted in Par. A above in a dwelling other than the provider's own, as long as the dwelling is the primary residence of at least one of the children being cared for by the provider. Such child care provider shall comprise the one nonresident person allowed under Par. D above.
- F. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.

G. An increase in the number of children permitted under Par. A above or the involvement of more than one nonresident person as permitted under Par. D above may be permitted in accordance with the provisions of Part 3 of Article 8.